

## Message Text

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PAGE 01 NAIROB 02494 121414Z

64

ACTION DHA-02

INFO OCT-01 AF-06 ISO-00 AID-05 EB-07 AGR-05 TRSE-00 OMB-01

DPW-01 CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 /074 W

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R 121345Z MAR 76

FM AMEMBASSY NAIROBI

TO SECSTATE WASHDC 8331

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E.O. 11652: N/A

TAGS: SHUM, PFOR, PINS, PINT, PORO, EAID, EFI, MASS, KE

SUBJECT: HUMAN RIGHTS: 1976 KENYA REPORT

REF: STATE 045319, 75 NAIROBI A-27, NAIROBI A-21

1. BASIC INFORMATION RESPONSIVE TO SUBPARAGRAPHS A, B AND C OF PARAGRAPH 12 REFTEL WAS PROVIDED IN 1975 HUMAN RIGHTS REPORT ( 75 NAIROBI A-27 ). CURRENT DEVELOPMENTS UPDATING LAST YEAR'S REPORT AND RESPONDING TO POINTS D AND E OF PARA 12 REFTEL ARE CONTAINED IN NAIROBI A-21, POUCHED DEPARTMENT MARCH 12. FOLLOWING ARE HIGHLIGHTS OF THIS YEAR'S REPORT, AS REQUESTED PARA 10 REFTEL.

2. KENYA'S RESPECTABLE RECORD IN HUMAN RIGHTS FIELD WAS TARNISHED SOMEWHAT IN PAST YEAR AS RESULT OF TOUGH GOVERNMENT MEASURES AGAINST HANDFUL OF ITS POLITICAL OPPONENTS IN AFTERMATH OF MARCH 1975 MURDER OF LEADING ANTI-GOVERNMENT MEMBER OF PARLIAMENT. TWO PROMINENT DISSIDENT MP'S HAVE BEEN DETAINED WITHOUT TRIAL UNDER PRESIDENTIAL ORDER AND THREE OTHERS HAVE BEEN CONVICTED OF CRIMINAL CHARGES WHICH APPEAR TO BE POLITICALLY INSPIRED.

3. ON POSITIVE SIDE OF LEDGER, ONE POLITICAL DETAINEE

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PAGE 02 NAIROB 02494 121414Z

WAS RELEASED IN 1975 AFTER SIX YEARS OF DETENTION.

TOTAL NUMBER OF PERSONS UNDER DETENTION IS THOUGHT TO BE LESS THAN 10. HUMAN RIGHTS AND CIVIL RIGHTS FOR ORDINARY PERSON IN KENYA ARE PROTECTED BY LAW, HIGH STANDARD OF IMPARTIALITY IN COURTS, AND RESPECT FOR DUE PROCESS BY ADMINISTRATIVE AUTHORITIES. POLICE AUTHORITY IS NOT ARBITRARILY EXERCISED, NOR ARE POLICE TACTICS CHARACTERIZED BY BRUTALITY. THERE IS NO INDICATION THAT TORTURE OR CRUEL FORMS OF PUNISHMENT ARE PRACTICED IN KENYA.

4. EMBASSY CONCLUDES THAT IN NO SENSE IS THERE CONSISTENT PATTERN OF GROSS VIOLATIONS OF INTERNATIONALLY RECOGNIZED HUMAN RIGHTS IN KENYA. GLARE OF ADVERSE PUBLICITY FOR ISOLATED CASES OF REPRESSION AGAINST INDIVIDUAL DISSIDENTS HAS DETERRED GOVERNMENT FROM GREATER ABUSES, SINCE KENYA REMAINS OPEN SOCIETY WITH SUBSTANTIALLY FREE PRESS. AT SAME TIME THERE IS NO DISPUTING FACT THAT CIVIL AND POLITICAL RIGHTS HAVE SUFFERED SETBACK AS RESULT OF DETENTIONS AND JAILINGS OF DISSIDENTS OVER PAST YEAR.

DECON 1-1-78  
MARSHALL

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## Message Attributes

**Automatic Decaptioning:** X  
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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** HUMAN RIGHTS, POLICIES, REPORTS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 12 MAR 1976  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** RowellE0  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
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**TAGS:** SHUM, PFOR, PINS, PINT, PORC, EAID, EFIN, MASS, KE  
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**Type:** TE  
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